

Issued January 25, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1231.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PASTE.

The United States Attorney for the Northern District of California, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district on December 16, 1910, a libel praying condemnation and forfeiture of 300 cases of 5-pound cans of tomato paste, and on December 29, 1910, two libels praying condemnation and forfeiture of 50 cases of 1-pound cans of tomato paste and 60 cases of 1-pound cans of tomato paste, all in the possession of A. Giurlani & Bro., San Francisco, Cal. The product in each case was labeled: On case: "Rossa La Migliori Conserva Di Tomato-Marca P. R. Packed by Pietro Roncoroni, N. Y." On cans: "Tomato Paste—Conserva di Tomato—Rossa—(Tomato design). This article is guaranteed to be made from the best quality red ripe tomatoes and to contain no artificial coloring."

Analysis of samples of said product taken from each consignment and designated I. S. 9534-c, 9535-c, and 9536-c by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: I. S. No. 9534-c: 1,200 yeasts and spores per one-sixtieth milligram; bacteria 400,000,000 per gram; mold filaments present in about 90 per cent of the fields; small fragments of decayed tissue found in all parts of the sample. One dead fly-like insect found. I. S. No. 9535-c: Yeasts and spores 1,500 per one-sixtieth cmm; bacteria 170,000,000 per gram; mold filaments present in 66½ per cent of the fields. I. S. No. 9536-c: Yeasts and spores 500 per one-sixtieth milligram; bacteria 150,000,000 per gram; mold filaments present in 75 per cent of the fields; small fragments of decayed tomato tissues found in all parts of the sample. The libels alleged that the tomato paste in each case after shipment by Pietro Roncoroni Co. (Inc.) from the State of New York into the State of California remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it

consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and was, therefore, liable to seizure for confiscation.

On September 16, 1911, the case against the 300 cases of tomato paste coming on for hearing and no one having appeared as claimant, the court entered a decree finding the product adulterated as alleged in the libel, and condemning and forfeiting the same to the United States and ordering its destruction by the marshal; and on January 17, 1911, the cases against the 50 and 60 cases of tomato paste were heard by the court, and no one appearing as claimant, the court entered a decree finding the said tomato paste adulterated as alleged in the libel, and condemning and forfeiting the same to the United States and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 4, 1911.*